

**REMARKS**

In response to the Office Action dated April 27, 2005, Applicants respectfully request reconsideration of the rejections of the claims. The withdrawal of the previous grounds of rejection is noted with appreciation.

Claims 1, 2, 4, 5, 8, 10 and 11 were rejected under 35 U.S.C. § 102, on the grounds that they were considered to be anticipated by the newly-cited Bahlmann patent. Claims 6, 7, 12, 13 and 16-18 were rejected under 35 U.S.C. § 103, as being unpatentable over the Bahlmann patent in view of secondary references. For the reasons presented below, it is respectfully submitted that the Bahlmann patent neither anticipates, nor otherwise suggests, the claimed subject matter, whether considered by itself or in combination with the secondary references. To further clarify the distinctions between the subject matter of the present invention and the disclosure of the Bahlmann patent, the features previously recited in claim 2 have been incorporated into claim 1.

As noted in Applicants' previous response, the claimed invention is directed to the automated provisioning of network devices, such as servers, that are respectively associated with different customer accounts. Each of the different customers has different requirements for their respective servers. As a result, the network of servers presents a heterogeneous environment, in which the needs of each customer must be separately addressed. In accordance with the invention, the automated provisioning of the servers is implemented by means of a model-based system. A database stores the model of each customer's server, or other network device. The model is a representation of the device itself, which can be interrogated to determine whether and which software provisioning commands need to be

executed on that particular customer's device. The model organizes software along access controlled boundaries. As a result, only those customers that should be allowed access to a particular software component can provision it. When provisioning to multiple customer systems, the system determines the required and allowed software for each system and each customer.

The Bahlmann patent is directed to an entirely different objective. As discussed in the background portion of the patent, when a subscriber to network services, e.g. a customer of a network service provider company, desires to add a new item of equipment to the network, it was necessary to contact one of the company's employees to provision that new item of equipment on the network. The Bahlmann patent discloses a self-service gateway that enables the customers to perform many of the tasks themselves, and therefore not have to await the availability of a company technician.

Because of the different objectives of the Bahlmann patent, it does not disclose the subject matter of the present invention. For example, in the system of the present invention, the automated provisioning of a network device is carried out by sending commands to an agent on that device, which executes the commands to perform the steps associated with the provisioning process. In accordance with the claimed invention, a command can only be sent to the agent on the device if it is appropriate for the customer with which that device is associated. As recited in claim 1, for example, a command to be executed on a network device related to a specific customer account is received, and parameters from a network database related to that customer account are read, i.e. the stored model for that customer account is checked. From this information, a determination is made whether the command can

be properly executed on the basis of the parameters read from the database. For example, if the command is to install a particular software module on the device, the stored model will identify whether that software module is appropriate for that customer's account. If the command is appropriate, it is transmitted to the agent on the device, where it is executed.

It is respectfully submitted that the Bahlmann patent does not disclose, nor otherwise suggest, this type of operation. In relevant part, the Office Action refers to the description of the filter tool that begins at column 10, line 33 of the Bahlmann patent. This tool allows the user to modify filters within equipment at the user's premises. Referring to Figure 1, the user 102 sends a filter tool command over the network to a tool database 130 within the self-service gateway 100, via a web browser program 116 and a customer interface program 112. If the user is authorized to use the filter tool function, the current filter parameters are obtained from the user equipment 110, and provided to the user within an HTML page. From this page, the user can issue a command to modify parameters of the filter. This command is sent to the filter tool, which changes the filter parameters. Then, the modified filter parameters are sent to the user premise equipment 110. See column 11, lines 5-7.

Thus, it can be seen that the *execution* of the command from the user is not carried out by a network agent on the user premise equipment. Rather, the command is executed by a tool located within the gateway 100. The results of the execution, i.e. the modified filter parameters, are then transmitted to the user premise equipment as data to be employed in the implementation of the filter. Accordingly, it can be appreciated that, because the Bahlmann patent is directed to

an objective which is entirely different from that of the present invention, namely the ability of a user to effect changes in his own equipment rather than the automated provisioning of network devices, it does not disclose the type of procedures set forth in claim 1.

In addition to this basic distinction, other features of the invention are likewise not suggested by the Bahlmann patent. For example, claim 4 recites that the agent provides information needed to execute the command for comparison with parameters read for the network database. In rejecting this claim, the Office Action refers to the Bahlmann patent at column 10, lines 34-63, and column 7, lines 43-58. It is respectfully submitted, however, that these portions of the patent do not disclose the claimed subject matter. At best, the patent discloses that if the user premise equipment responds to a ping command, the user interface program obtains the current filter parameters from the equipment. However, the patent does not disclose that these parameters are compared with parameters read from the network database. Rather, they are simply provided to the user in an HTML page, so that the user can determine whether to modify them. As noted in the rejection of claim 1, the Bahlmann patent teaches that the gateway checks the user level in response to the receipt of a command. However, this information that is checked against a stored database is not provided by an agent on the user premise equipment. Rather, it is obtained from the identification of the user himself.

Accordingly, it is respectfully submitted that the Bahlmann patent does not teach an *agent* on a network device, e.g. the user premise equipment, that provides information that is needed to execute a command and that is compared with parameters that are read from a network database, as recited in claim 4.

As pointed out in Applicants' previous response, one of the features of the invention that enables the devices of different customers to be readily differentiated from one another is the use of virtual local area networks that are individually assigned to the customers. This aspect of the invention is set forth in original claims 17 and 18, as well as new claims 20, 24 and 25. In rejecting claims 17 and 18, the Office Action acknowledges that the Bahlmann patent does not teach that each customer is assigned to an individual VLAN. To this end, therefore, it relies upon the Gonda patent as teaching the claimed subject matter, and concludes that it would be obvious to modify the method of Bahlmann patent with these teachings. It is respectfully submitted, however, that these two references do not suggest the subject matter of the rejected claims, for at least two reasons.

First, claim 17 recites that each customer is assigned to an individual "virtual local area network." The Gonda patent does not relate to virtual local area networks. Rather, it is directed to virtual private networks. Referring to the Microsoft Computer Dictionary, 5<sup>th</sup> Edition, a virtual local area network is defined as "a local area network consisting of groups of hosts that are on physically different segments but that communicate as though they were on the same wire." In contrast, a virtual private network is defined as "nodes on a public network such as the Internet that communicate among themselves using encryption technology so that their messages are as safe from being intercepted and understood by unauthorized users as if the nodes were connected by private lines." Thus, it can be seen that the terms "virtual local area network" and "virtual private network" do not connote the same thing. Rather, they are directed to different concepts. For this reason alone, therefore, it is respectfully submitted that the Gonda patent does not contain any

teaching that would suggest that a virtual local area network be employed within the system of the Bahlmann patent.

Furthermore, it is respectfully submitted that there is no motivation to combine the teachings of these two patents, absent knowledge of the present invention. The Gonda patent relates to virtual private networks, per se, and more particularly to the management of virtual private networks. There is no teaching in this patent, however, that would cause a person of ordinary skill in the art to employ a virtual private network in the system of the Bahlmann patent. In particular, there is no teaching to suggest that an individual virtual private network should be assigned to each customer of Bahlmann's service network. There is simply no reason to do so in the context of that system.

Accordingly, it is respectfully submitted that the Bahlmann and Gonda patents do not suggest the assignment of individual virtual local area networks to each customer in an automated provisioning system, even when their teachings are considered together.

For at least the foregoing reasons, therefore, it is respectfully submitted that the subject matter of the rejected claims is not suggested by the Bahlmann patent, whether considered by itself, or in combination with other references.

In the Office action, claims 19-25 were withdrawn from consideration, on the grounds that they were considered to be directed to an invention that is independent or distinct from the subject matter of originally presented claims 1-18. In making this assessment, the Office Action states that the originally filed claims have no limitation requiring storing a model of software components and making comparisons against the model. However, it is to be noted that original claim 1 recited the concept of

"reading parameters from a network database." These parameters stored in a network database constitute one aspect of the model. Furthermore, claim 4 recites that the agent provides information "for comparison with parameters read from the network database." Thus, the original claims recited the concept of comparing against the information stored in the network database, i.e. the model. It is respectfully submitted that the Office Action has not demonstrated that the subject matter of claims 19-25 is so materially different from that of the original claims that it should be examined in a separate application. Rather, it is respectfully submitted that, by examining the features of the original claims noted above, the Examiner has already taken into consideration subject matter which is analogous to that recited in claims 19-25. The Office Action has not made any assertion that an undue burden would be placed upon the Examiner if these claims are considered, nor would any additional search be required.

Accordingly, Applicants respectfully traverse the withdrawal of claims 19-25 from consideration, and request that they be examined together with the other pending claims.

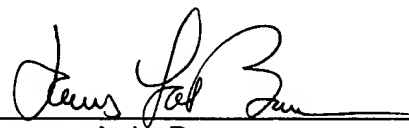
Reconsideration and withdrawal of the rejections and the restriction requirement, and allowance of all pending claims, are respectfully requested.

Respectfully submitted,

Buchanan Ingersoll, PC

Date: October 27, 2005

By: \_\_\_\_\_



James A. LaBarre  
Registration No. 28.632

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620